

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>  <b>William Warren Goetz</b>  <b>Debtor(s).</b>	: : : : : :	<b>Case No.: 17-13762</b> <b>Chapter 13</b> <b>Judge Eric L. Frank</b> <b>*****</b>
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**OBJECTION TO DEBTOR'S CHAPTER 13 PLAN**

Now comes Wells Fargo Bank, N.A. ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a second mortgage lien upon the Debtor's real estate located at 1303 Bergan Rd., Oreland, PA 19075.
2. Debtor's Chapter 13 Plan proposes to treat Creditor's claim unfairly by attempting avoid Creditor's lien and treat it as wholly unsecured.
3. Creditor asserts that the Property is listed as Debtor's principal residence in the Chapter 13 Voluntary Petition.
4. Per the Debtor's schedules, the value of the property is \$300,000.00 as of the filing date of the petition. Proof of claim number 1 has been filed for the first mortgage lien on the subject property in the amount of \$101,802.37.
5. Creditor believes there is sufficient equity in the property over and above the first mortgage to secure the Creditor's entire lien. In re McDonald, 205 F.3d 606 (3rd Cir. 2000).
6. Debtor's Plan is in violation of §1322 and §1325 of the Bankruptcy Code, because it fails to provide adequate protection payments to the secured Creditor over the life of the Plan in the amount of its secured prepetition arrearage claim, and, in effect, impermissibly

attempts to modify the terms of Creditor's Note, which is secured solely by the principal residence of Debtor.

7. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Karina Velter  
Karina Velter, Esquire (94781)  
Kimberly A. Bonner (89705)  
Adam B. Hall (0088234)  
Sarah E. Barngrover (28840-64)  
Manley Deas Kochalski LLC  
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Attorneys for Creditor  
The case attorney for this file is Karina Velter.  
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: **Case No.: 17-13762**  
**William Warren Goetz** : **Chapter 13**  
: **Judge Eric L. Frank**  
**Debtor(s).** : \*\*\*\*\*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,  
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, 1234 Market Street, Suite 1813, Philadelphia, PA  
19107

Paul A. Stewart, Attorney for William Warren Goetz, 333 East Lancaster Avenue, Suite 140,  
Wynnewood, PA 19096, pstewart@legalhelm.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on September 11,  
2017:

William Warren Goetz, 1303 Bergan Road, Oreland, PA 19075

William Warren Goetz and Joanne L. Goetz, 1303 Bergan Rd, Oreland, PA 19075

Wells Fargo Home Mortgage, One Home Campus, Des Moines, IA 50328

DATE: 9/11/17

/s/ Karina Velter

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Kimberly A. Bonner (89705)  
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Attorneys for Creditor

The case attorney for this file is Karina  
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